

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of JESTIN DAVID THOMPSON,  
Minor.

---

DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED  
October 25, 2005

Petitioner-Appellee,

v

JESTIN THOMPSON,

Respondent-Appellant.

---

No. 261461  
Oakland Circuit Court  
Family Division  
LC No. 03-687797-NA

Before: Gage, P.J., and Hoekstra, and Murray, JJ.

PER CURIAM.

Respondent Jestin Thompson appeals as of right from an order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(i), (b)(ii), (g), and (j).<sup>1</sup> We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

We reject respondent's argument that the trial court erred by failing to make factual findings in support of its determination that statutory grounds for termination existed under MCL 712A.19b(3)(b)(i), (b)(ii), (g), and (j). MCR 3.977(H)(1) provides that "[t]he court shall state on the record or in writing its findings of fact and conclusions of law. Brief, definite, and pertinent findings and conclusions on *contested* matters are sufficient." (Emphasis added.) Where the trial court's findings "minimally satisfy the requirements of the court rules and case law," remand for further findings is unwarranted. *Fletcher v Fletcher*, 447 Mich 871, 883; 526 NW2d 889 (1994).

In this case, the original petition requested termination of respondent's parental rights at the initial dispositional hearing, and respondent pleaded no contest to the factual allegations in the petition. Because respondent did not contest the factual allegations, and because MCR

---

<sup>1</sup> The court also found that the same statutory grounds existed to terminate the parental rights of the child's mother, Michelle Averill, but the court declined to terminate her parental rights, concluding that termination was clearly contrary to the child's best interests. MCL 712A.19b(5).

3.977(H)(1) only requires “[b]rief, definite, and pertinent findings and conclusions *on contested matters*” (emphasis added), the trial court’s determination that the allegations established the existence of statutory grounds for termination was minimally sufficient, and no further findings of fact were required. Cf. *In re Toler*, 193 Mich App 474, 477; 484 NW2d 672 (1992).

The termination petition alleged that the child’s injuries resulted from repeated shaking violent enough to cause bleeding in the fontanel, a bilateral subdural hematoma, and bilateral retinal hemorrhaging. At the time of injury, the child was in respondent’s care. Further, the child’s injuries could not have been caused by a fall from the bed, as claimed by respondent, yet he refused to admit causing the child’s injury. The trial court did not err in determining that the uncontested allegations established grounds for terminating respondent’s parental rights under MCL 19b(3)(b)(i), (g), and (j).<sup>2</sup>

Respondent also challenges the trial court’s best interests decision. Once a statutory ground for termination is established, “the court shall order termination of parental rights . . . unless the court finds that termination . . . is clearly not in the child’s best interests.” MCL 712A.19b(5). That determination is made upon the evidence on the whole record, and is reviewed for clear error. *In re Trejo*, 462 Mich 341, 353-354, 356; 612 NW2d 407 (2000).

Although there was evidence that respondent loved the child and behaved appropriately during visits, he refused to admit shaking the child, despite the uncontested medical evidence to the contrary, and there was no evidence that the child was particularly bonded to respondent. Additionally, there was evidence that respondent tended to blame others for his problems, had an explosive temper, tended to lie to make himself look good, and had an apparently unresolved drinking problem.<sup>3</sup> Because the evidence did not show that termination of respondent’s parental rights was clearly contrary to the child’s best interests, the trial court did not err in terminating respondent’s parental rights to the child.

Affirmed.

/s/ Hilda R. Gage  
/s/ Joel P. Hoekstra  
/s/ Christopher M. Murray

---

<sup>2</sup> Because the evidence showed that the child was injured as a result of respondent’s direct act, as opposed to respondent’s failure to protect the child, we agree that MCL 19b(3)(b)(ii) is not applicable to respondent.

<sup>3</sup> At trial, respondent testified that he had stopped drinking, but he gave inconsistent testimony regarding how long ago he had stopped drinking.